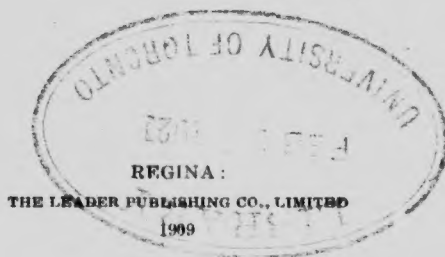


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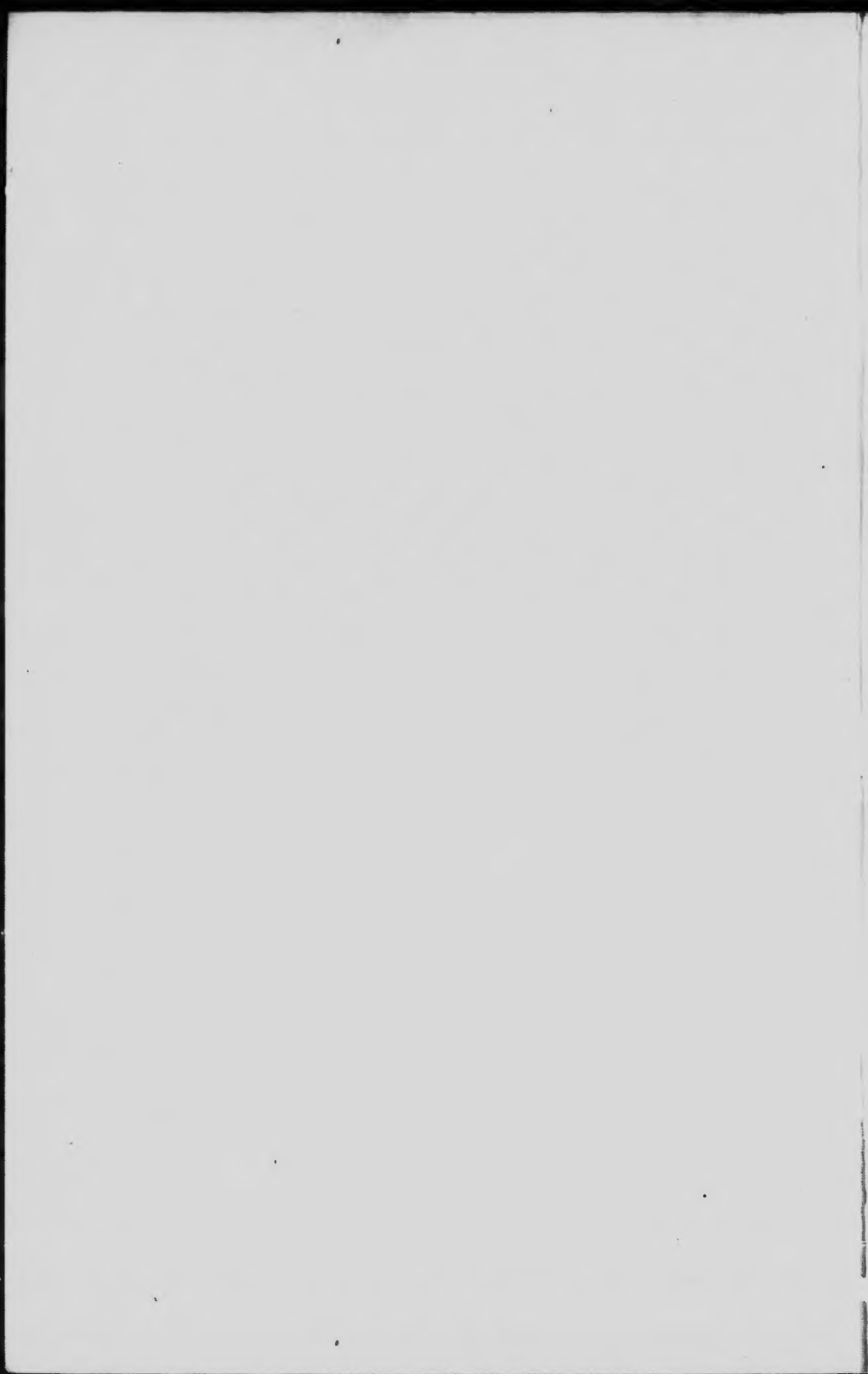
EXTRACTS FROM THE
RULES AND BY-LAWS
OF THE
LAW SOCIETY OF SASKATCHEWAN
ADOPTED AND PASSED BY THE BENCHES
IN CONVOCATION THE FIFTH DAY
OF JUNE, A.D. 1908
(AS AMENDED)



Law Society of Saskatchewan

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REGINA:
THE LEADER PUBLISHING CO., LIMITED
1909



Law Society of Saskatchewan

Extracts from the Rules and By-laws of the Society relating to admission of students-at-law, enrolment of barristers and solicitors, etc.

STUDENTS-AT-LAW.

28. No person shall be admitted as a student-at-law who is not of the full age of sixteen years.

29. A graduate in arts or law of a recognized university in the United Kingdom or in Canada, or a graduate of the Royal Military College of Canada, may be admitted as a student-at-law upon complying with the provisions of rule 31.

30. Except as provided by rule 32, any other candidate for admission as a student-at-law shall be required to produce:

(a) Satisfactory evidence that he has passed a matriculation examination required by some university empowered by law to grant the degree of bachelor of arts in the United Kingdom or in Canada; or

(b) A certificate from the Department of Education of Saskatchewan that he has passed a satisfactory examination in the subjects prescribed by the department for junior matriculation.

31. Every petition for admission as student-at-law under the provisions of rules 29 and 30 shall be in Form A in the schedule hereto, and shall be filed with the secretary, accompanied by proof of the necessary educational qualifications, a satisfactory testimonial of good character in Form B in the schedule hereto, or to the like effect, and

a fee of fifty-five dollars. Such petition shall be filed at least ten days before convocation, and upon its being approved by convocation the petitioner may be admitted as a student-at-law and shall be granted a certificate in Form C in the schedule hereto.

32. Convocation may grant to any person who is possessed of educational qualifications at least equal to those required of a student-at-law in the province on his admission as such, and who has been actually engaged in the study of law in any other part of His Majesty's dominions status as a student-at-law in the province, but not greater than his status in the country in which he had previously been a student.

33. Every applicant for admission as student-at-law under the next preceding rule shall, at least ten days before convocation, file with the secretary a petition setting forth the petitioner's age and educational qualifications, the period of study and service as student-at-law he has already undergone, and with whom same was performed, the examination in law he has passed, if any, and the period of service which he desires should be allowed to him.

2. Such petition shall be supported by satisfactory evidence of the applicant's educational qualifications, of his due admission as a student-at-law, and of his having passed such examinations, if any, as he may seek to have allowed; and shall be accompanied by a satisfactory testimonial of good character in Form B in the schedule hereto, or to the like effect, by answers to such questions in Forms F and G in the schedule hereto, as may be applicable, or in some forms conforming as nearly as possible thereto, and duly verified by an affidavit of himself verifying all the material facts alleged in his petition and by such one of the fees hereinafter mentioned as may be applicable in his case.

34. The fees payable under the provisions of the next preceding rule shall be as follows:

1. Where applicant is a graduate of a university:

- (a) If given standing not exceeding one year \$ 55.00
- (b) If given standing exceeding one year but not exceeding two years\$105.00
- (c) If given standing exceeding two years...\$305.00
- 2. Where applicant is not a graduate of a university:
 - (a) If given standing not exceeding one year \$ 55.00
 - (b) If given standing exceeding one year but not exceeding two years.....\$105.00
 - (c) If given standing exceeding two years but not exceeding three years.....\$155.00
 - (d) If given standing exceeding three years but not exceeding four years.....\$20⁰⁰
 - (e) If given standing exceeding four years....\$305.00

35. Every student-at-law shall, subject to the provisions of rule 38, perform due service as clerk, under articles of clerkship, with an enrolled solicitor who is in actual practice within the province. Such service shall be for a period of five years, or for three years if the student is a graduate in arts or law of a recognized university in the United Kingdom or Canada or a graduate of the Royal Military College of Canada.

36. An original duplicate contract of service of any student-at-law and of every assignment thereof, with an affidavit of the due execution thereof, shall be filed with the secretary, or within one month of the date of its execution, or within such further time as convocation under special circumstances may allow.

2. Every affidavit of execution of articles of clerkship shall state the exact date of execution by the parties.

37. The terms of service of students-at-law shall be effectual only from the time of admission to the society or from the date of articles of clerkship, whichever may be the later.

38. Any student-at-law who may desire during a portion of his term to pursue his studies at any Canadian law school shall file a petition with the secretary of the society

at least ten days before convocation, which petition shall state during what portion of his term he wishes to so pursue his studies and the name of the law school at which he proposes to study, and every such student shall in addition thereto file with the secretary of the society the written consent of the solicitor to whom he is articulated permitting such student to so pursue his studies.

2. On receipt of such petition and consent the secretary of the society shall present the same to convocation, and the benchers may give permission to the student to pursue his studies for the time mentioned in such permission in such law school, and the period so spent in such law school, and any further period such student may spend as a student in the office of a barrister or solicitor in the city or town where such law school is located, between the terms that he so studies at such law school shall be considered as part of the term of study required by statute:

Provided, however, that before such student shall be called or admitted as hereinafter provided, he shall obtain from the proper officer of said law school and from such barrister or solicitor answers to such questions in form G in the schedule hereto as may be applicable to his case or in some form conforming as nearly as possible thereto and duly verified;

Provided further that such permission shall not include any portion of the final year of the student's term of service under articles;

Provided further that the last mentioned proviso shall not apply to any student to whom permission has already been given to study outside of the province.

EXAMINATIONS.

39. Every student-at-law shall be required to pass two examinations before final examination for enrolment as barrister and solicitor.

Provided that graduates admitted as students-at-law prior to the fifth day of June, A.D. 1908, shall not be required to pass the first of such examinations.

40. A period of at least eleven months shall elapse after the passing of any examination by a student-at-law before he is permitted to write upon the next examination.

41. The examinations shall be held on the third Mondays of February, May and October in each year at the judicial centre of each judicial district.

42. Every candidate for an examination shall give notice to the secretary of his intention to present himself for examination at least thirty days before the date fixed for such examination. The notice shall be in Form D in the schedule hereto, and shall be accompanied by a fee of ten dollars.

43. The subjects and books for examinations shall be as follows:

FIRST INTERMEDIATE.

Anson on Contracts; Williams on Personal Property; Indermaur on Common Law; H. A. Smith on Equity; Bourinot on Constitutional History; Best on Evidence; the Land Titles Act.

SECOND INTERMEDIATE.

Harris' Principles of Criminal Law; Broom on Common Law; Underhill on Torts; Williams on Real Property; Pollock on Contracts; Snell on Equity; Powell on Evidence; The Statutory Law relating to the following subjects: Dominion Lands, Interest, Evidence, The Practice of the Courts, Bills of Sale, Sale of Goods, Factors, Choses in Action, Creditors' Relief, Exemptions, Hire Receipts, Limitation of Actions, Married Women's Property; Partnership, Assignments, Slander.

FINAL.

Smith on Mercantile Law; Hawkins on Wills; Criminal Practice and Procedure as based on the Criminal Code; Story on Equity (English Edition); Powell on Evidence;

Best on Evidence; Pollock on Torts; Chalmers on Sale of Goods Act; Odgers on Principles of Pleading; Clement on the Canadian Constitution; Foote on Private International Law; Holland on Jurisprudence; Beale's Cardinal Rules; Chalmers on Bills of Exchange; Pollock's Digest of the Law of Partnership; Federal and Local Statute Law.

44. All examinations shall be by written or printed questions to be answered in writing.

2. For the first intermediate examination there shall be five papers, for the second intermediate examination seven papers, and for the final examination eight papers, and each such paper shall contain ten questions.

3. Three hours shall be allotted to each paper, and every examination shall continue from day to day until its conclusion, not more than two papers being written upon in one day.

4. Any candidate who upon any examination obtains at least thirty-four marks in one hundred on each paper and an average of at least fifty marks in one hundred on the whole examination, shall be deemed to have passed a satisfactory examination; any candidate who obtains an average of at least fifty marks in one hundred on the whole examination, but who fails to obtain thirty-four marks on any paper or papers may present himself at the next examination in those subjects on which he has so failed, and if such candidate obtains not less than forty marks in each such paper or papers, he shall be deemed to have passed a satisfactory examination.

5. Any candidate who has gained not less than an average of forty-five marks in one hundred on the whole examination, may apply to the Secretary to have any paper or papers re-read, and on receiving such application the Secretary shall refer such paper or papers to the Appeals Committee, which committee shall have power to deal with such applicant's papers as if such committee were the examiners. The candidate so applying shall be required to pay a fee of five dollars.

47. No candidate for any examination who shall have omitted to pay his fee or leave the required notice with the secretary at or before the time by these rules required shall be examined or admitted to the examination room.

ENROLMENT OF BARRISTERS AND SOLICITORS.

49. Every candidate for enrolment as barrister and solicitor shall, at least ten days before convocation, file with the secretary a petition for such enrolment in Form E in the schedule hereto; an affidavit of the candidate verifying the answers to the several questions set forth in Form F in the schedule hereto; an affidavit verifying the answers to the several questions set forth in Form G in the schedule hereto made by the solicitor or solicitors with whom such candidate has served his clerkship, which service shall be to the satisfaction of the benchers and shall have been in the place where such principal or his duly qualified partner actually and permanently resided and practised his profession, together with the certificate in the last mentioned form set forth; an affidavit of the candidate in Form H in the schedule hereto; his oath of office in Form I in the schedule hereto; and an enrolment fee of one hundred dollars.

Provided that students enrolled and in good standing on the fifteenth day of September, A.D. 1907, under the Law Society of the North-West Territories may continue their course in the Province of Alberta, and services performed and examinations taken in the province of Alberta shall be recognised in this province; and proof of enrolment as barrister and solicitor in the province of Alberta shall in such cases permit enrolment as barrister and solicitor in this province without further formality when half the fee of one hundred dollars collected by the Law Society of Alberta for enrolment is remitted to this society:

Provided further that the preceding proviso shall come into effect and remain in force when and for so long as the Law Society of Alberta adopts a similar provision.

(NOTE.—A similar provision has been adopted by the Law Society of Alberta, and the same is at present in force.)

50. The secretary shall present the petition and other material mentioned in the next preceding rule to convocation, and upon the same being approved by the benchers the candidate may be enrolled as barrister and solicitor, and a diploma in Form J in the schedule hereto issued to him.

51. In case any such candidate proves to the satisfaction of convocation that it has not been in his power to procure the answers to the questions contained in Form G in the schedule hereto from any solicitor with whom he may have served any part of his term under articles or the affidavit therein also contained, convocation may deal with the matter as the benchers in their discretion may see fit.

52. Every enrolled barrister and solicitor upon his first appearance before the Court shall appear in proper professional costume and shall be presented to the Court by the senior member of the bar present.

ADMISSION OF BARRISTERS AND SOLICITORS FROM OTHER
PARTS OF HIS MAJESTY'S DOMINIONS.

53. Any barrister, solicitor, advocate, or attorney who has been duly called to the bar, admitted or enrolled, as the case may be, in England, Scotland or Ireland, including a law agent or a writer to the signet in Scotland, or in any province or territory of the Dominion of Canada or in any other British Colony, may be enrolled as a barrister and solicitor of Saskatchewan upon passing a satisfactory examination in the Statutes of Canada, the Ordinances of the North-West Territories, the Statutes of Saskatchewan and the practice of the courts therein, and upon complying with the provisions of rules 55 and 56;

Provided that if it be proved by a certificate of the proper officer, or by a statutory declaration of some person cognizant of the fact, that barristers and solicitors of Saskatchewan are admitted to practice in the courts of the country, colony, province or territory where such applicant

has been so called, admitted or enrolled without passing an examination then such applicant shall not be required to pass an examination as hereinbefore provided.

54. The examination mentioned in the preceding rule shall be conducted by the board of examiners, shall consist of the papers on statute law and practice set for the final examinations, and shall in all respects be subject to the rules herein provided for other examinations, except that no fee shall be payable with the notice therefor.

55. Every applicant under rule 53 shall, except as hereinbefore provided, file with the secretary at least ten days before convocation:

(a) An application for enrolment in Form K in the schedule hereto;

(b) A satisfactory testimonial of good character and conduct in Form B in the schedule hereto, or to the like effect;

(c) A certificate of the proper officer that the applicant is, so far as his official records show, at the time of making his application in good standing on the roll of barristers, solicitors, advocates or attorneys, as the case may be, of the country, colony, province or territory where he has been so called, admitted or enrolled, and that no application is then pending to strike him off such roll;

(d) His certificate of call to the bar, diploma or certificate of admission as the case may be;

(e) His oath of office in Form I in the schedule hereto.

(f) A statutory declaration of the applicant that he has not practised or assumed to act or held himself out to the public in any way as a person qualified to act as a barrister or solicitor in this province, and has not in this province advertised or held himself out with the object of obtaining legal practice in the province to be a barrister, advocate or solicitor of any other province.

56. Every such applicant shall, upon filing his application pay an application fee of ten dollars to the secretary, and he shall not be enrolled as a barrister or solicitor unless

and until he shall have also paid to the secretary an enrolment fee of four hundred dollars:

Provided that the application shall lapse and the application fee be forfeited if the enrolment of such applicant be not completed within six months from the date of filing such application.

57. The secretary shall upon receipt of the documents mentioned in rule 55 present the same to convocation to be dealt with, and if the application be approved he may, subject to the provisions of the next preceding rule, enroll the applicant as a barrister and solicitor, and a diploma shall then be issued to such applicant in Form J in the schedule hereto.

ENROLMENT OF LEGAL PRACTITIONERS OF FOREIGN STATES.

Any person admitted as a legal practitioner in a foreign country may be enrolled by the benchers as a barrister and solicitor of Saskatchewan. No rules have been passed governing such applications and each one is treated as a special case to be dealt with on its merits. The conditions however, are not likely to be less onerous than those imposed upon applicants from other parts of His Majesty's dominions. No one who is not a British subject may be enrolled as a barrister and solicitor.

ANNUAL FEES.

An annual fee of \$10.00 is payable on or before the fifteenth day of January in each year. No one who does not pay the fee may practice within the province, and violation of this rule results in the name of the practitioner concerned being struck off the roll of barristers and solicitors. Those who do not pay the annual fee are not entitled to receive the society's publications.

Blank forms may be obtained from the secretary.

Address all communications to

C. H. BELL,
Sec.-Treas., Law Society of Saskatchewan,
Regina, Sask.

